

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

TERRY N. TAYLOR,

Petitioner,

v.

ANTHONY HAYNES, Warden, and
UNITED STATES OF AMERICA,

Respondents.

CIVIL ACTION NO.: CV210-184

ORDER

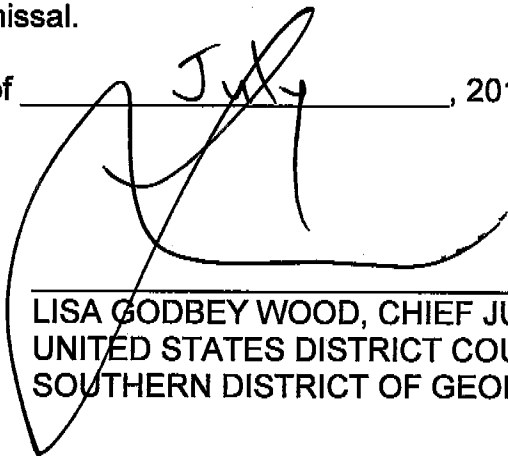
After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Petitioner Terry Taylor ("Taylor") states that his claim is that without the enhancement under the Armed Career Criminal Act ("ACCA") his sentence exceeds the statutory maximum. He asserts that his claim is not based on a misapplication of the United States Sentencing Guidelines. Taylor then cites the dissenting opinion in Gilbert v. United States, No. 09-12513, ___ F.3d ___, 2011 WL 1885674 (11th Cir. May 19, 2011), to support his assertion that, because he is not a career criminal, he is not precluded from seeking relief under 28 U.S.C. § 2241.

Despite Taylor's assertions to the contrary, he *is* an armed career criminal, and he was sentenced as such. To that end, the majority opinion in Gilbert, which is binding

on this Court, does not provide Taylor with his requested relief. In fact, Gilbert forecloses Taylor's § 2241 petition, as the Magistrate Judge discussed in his Report.

Taylor's Objections are **overruled**. Taylor's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DISMISSED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 16 day of July, 2011.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA